

DATE: February 25, 2013

TO: Oversight Board

FROM: City of Chula Vista Successor Agency to the Redevelopment Agency

SUBJECT: RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF CHULA VISTA APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD OF JULY 1, 2013 TO DECEMBER 31, 2013 (“ROPS 13-14A”)

SUMMARY

Under the terms of AB 26 and AB 1484, Successor Agencies are required to submit to the Department of Finance (“DOF”) an Oversight Board approved Recognized Obligation Payment Schedule (“ROPS”) that, *inter alia*, documents, in six-month periods, successor agency enforceable obligations and funding to pay for those enforceable obligations. Accordingly, staff has prepared the July 1, 2013 to December 31, 2013 Recognized Obligation Payment Schedule (“ROPS 13-14A”) to set forth all of the Agency’s obligations determined to be enforceable obligations under Section 34167(d) of the Health and Safety Code for the Oversight Board’s consideration for approval.

DISCUSSION

The Successor Agency is required to submit an Oversight Board approved ROPS for the period of July 1, 2013 to December 31, 2013 (“ROPS 13-14A”) to the Department of Finance (“DOF”), State Controller and the County Auditor Controller.

Staff is presenting this July 1, 2013 through December 31, 2013 ROPS 13-14A (Attachment A) to set forth all of the Agency’s obligations determined to be enforceable obligations under Section 34167(d) to the Oversight Board for approval. The enforceable obligation schedule is a key document in complying with AB 26 (as amended in AB 1484) and is required to contain all the obligations of the Agency and be listed with specific payment schedules. Enforceable Obligations consist of bonds, loans, payments required by governments (except pass-through payments), court judgments and settlements, legal contracts and agreements and contracts necessary for continued administration. The enforceable obligations listed on the ROPS generally are not new obligations, but are those that existed prior to the dissolution of redevelopment agencies.

In addition to the requirements set forth in Assembly Bill 1484 ("AB 1484"), new requirements and direction have been provided by DOF including the following:

1. A new naming convention has been implemented identifying the fiscal year the ROPS is related to and which period (A-the first half of the fiscal year and B-the second half of the fiscal year). Therefore, the July 1, 2013 to December 31, 2013 ROPS is referred to as ROPS 13-14A.
2. DOF used ROPS 12-13B (January 1, 2013-June 30, 2013) as the basis for all future ROPS so that each line item remains the same until completely wound down. DOF will track if a line item has been reviewed, denied, not reviewed, issued a final and conclusive or retired, etc. Denied items will remain on the ROPS template but will be specifically identified as denied.
3. The Successor Agency is required to complete the "Notes" section of the ROPS for each line item with a description of its status.

To be deemed valid, the Successor Agency must prepare the ROPS and provide it for consideration by the Oversight Board. The approved ROPS is then transmitted to the County Auditor Controller, State Controller and the State Department of Finance. The ROPS must also be posted on the Successor Agency's internet website.

ROPS 12-13B (formerly ROPS III)

On December 18, 2012, DOF issued a letter notifying the Successor Agency of the results of the Meet and Confer for the ROPS 12-13B which included the following decisions:

- Line Items 28 and 29 (Affordable housing monitoring agreements) were denied
- Line Item 41 (ROPS II Shortfall) was denied
- Line Items 31 through 36 and 39 (Copier maintenance, copier lease, office supplies, storage/archive, printing and binding, water filtering system, and legal counsel for oversight board) were approved but reclassified as administrative expenses
- Line Item 37 (financial and compliance audit) was approved and no longer reclassified

ROPS 13-14A

Based on the DOF review and modifications to ROPS 12-13B, we have made the following changes to ROPS 13-14A:

- Line Items 28 and 29 are no longer included
- Line Item 41 is no longer included
- Line Items 31 through 36 and 39 will continue to remain on the ROPS, and we will continue to list these as non-administrative expenses since these are directly associated with project costs not Successor Agency expenses

Additionally, on January 30, 2013 DOF issued a letter upholding the Oversight Board's decision of December 17, 2012 to use reserves to pay line items from ROPS 12-13B that we had originally requested through line item 41 (ROPS II Shortfall). Based on this approval, we are able to pay the approved enforceable obligations with reserve funds, and we will not be including this line item on this ROPS.

ATTACHMENTS

A. ROPS 13-14A

Prepared by: Diem Do, Senior Project Coordinator, Development Services Department

SUCCESSOR AGENCY CONTACT INFORMATION

Successor Agency

ID: 280
County: San Diego
Successor Agency: Chula Vista

Primary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Address

City

State

Zip

Phone Number

Email Address

Diem

Do

Senior Project Coordinator

276 Fourth Avenue

Chula Vista

CA

91910

619-585-5731

ddo@ci.chula-vista.ca.us

Secondary Contact

Honorific (Ms, Mr, Mrs)

First Name

Last Name

Title

Phone Number

Email Address

Eric

Crockett

Assistant Director of Development Services

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ecrockett@ci.chula-vista.ca.us

SUMMARY OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Filed for the July 1, 2013 to December 31, 2013 Period

Name of Successor Agency: CHULA VISTA (SAN DIEGO)

Outstanding Debt or Obligation

Outstanding Debt or Obligation	Total
Total Outstanding Debt or Obligation	\$92,448,171

Current Period Outstanding Debt or Obligation

Current Period Outstanding Debt or Obligation	Six-Month Total
A Available Revenues Other Than Anticipated RPTTF Funding	\$0
B Enforceable Obligations Funded with RPTTF	\$3,851,376
C Administrative Allowance Funded with RPTTF	\$139,372
D Total RPTTF Funded (B + C = D)	\$3,990,748
E Total Current Period Outstanding Debt or Obligation (A + B + C = E) Should be same amount as ROPS form six-month total	\$3,990,748
F Enter Total Six-Month Anticipated RPTTF Funding	\$4,500,000
G Variance (F - D = G) Maximum RPTTF Allowable should not exceed Total Anticipated RPTTF Funding	\$509,252

Prior Period (July 1, 2012 through December 31, 2012) Estimated vs. Actual Payments (as required in HSC section 34.186 (a))

H Enter Estimated Obligations Funded by RPTTF (lessor of Finance's approved RPTTF amount including admin allowance or the actual amount distributed)	\$3,349,198
I Enter Actual Obligations Paid with RPTTF	\$2,965,329
J Enter Actual Administrative Expenses Paid with RPTTF	\$138,334
K Adjustment to Redevelopment Obligation Retirement Fund (H - (I + J) = K)	\$245,535
L Adjustment to RPTTF (D - K = L)	\$3,745,213

Certification of Oversight Board Chairman:

Pursuant to Section 34.177(m) of the Health and Safety code,

I hereby certify that the above is a true and accurate Recognized

Obligation Payment Schedule for the above named agency.

/s/ _____
Signature Date

CHULA VISTA (SAN DIEGO)
 RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 13-14A)
 July 1, 2013 through December 31, 2013

Oversight Board Approval Date: _____

Item #	Project Name / Debt Obligation	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Total Due During Fiscal Year 2013-14	Funding Source					
									Bond Proceeds	Reserve Balance	Admin Allowance	RPTTF	Other	Six-Month Total
							\$92,448,171	\$6,271,555	\$0	\$0	\$139,371	\$3,851,376	\$0	\$3,990,747
1	2006 Sr. Tax Allocation Refunding Bonds Series A	7/18/2006	9/1/2027	US Bank	Bond Issue to refund 1994 Tax Allocation Bonds Series A	Bayfront/Town Centre I	14,175,119	1,015,133	0	0	0	796,423	0	796,423
2	2006 Sub. Tax Allocation Refunding Bonds Series B	7/18/2006	10/1/2027	US Bank	Bond Issue to refund 1994 Tax Allocation Bonds Series C & D.	Bayfront/Town Centre I	13,820,482	987,934	0	0	0	749,717	0	749,717
3	2008 Tax Allocation Refunding Bonds	7/11/2008	9/1/2036	US Bank	Bond Issue to refund 2000 Tax Allocations Bonds	Merged Project Areas	35,862,333	963,636	0	0	0	481,818	0	481,818
4	2005 Tax Revenue Bond Series A	4/13/2005	3/1/2015	Wells Fargo	CRA ERAF Loan Program Loan Payable to CA Statewide Comm Dev Authority for FY0405 ERAF payment.	All Project Areas	201,236	100,356	0	0	0	50,178	0	50,178
5	2006 Tax Revenue Bond Series A	4/13/2006	3/1/2016	Wells Fargo	CRA ERAF Loan Program Loan Payable to CA Statewide Comm Dev Authority for FY0506 ERAF payment.	All Project Areas	382,262	125,188	0	0	0	62,594	0	62,594
6	City Loan to BF/TCI for 96 ABAG 37A Debt Service	7/1/1996		City of Chula Vista	Loan to BF/TCI for 96 ABAG 37A debt service FY98-FY03	Bayfront/Town Centre I	3,913,625	0	0	0	0	0	0	0
7	City Loan to TCII for 96 ABAG 37A Debt Service	7/1/1996		City of Chula Vista	Loan to TCII for 96 ABAG 37A debt service FY98-FY03	Town Centre II	668,890	0	0	0	0	0	0	0
8	City Loan for 93 Refunding COP Debt Service	2/1/1993		City of Chula Vista	Loan to Town Center II for 93 Refunding COP debt service FY03-FY07.	Town Centre II	0	0	0	0	0	0	0	0
9	City Loan for 93 COP Parking Phase 2 Debt Service	2/1/1993		City of Chula Vista	Loan to Town Center II for 93 COP Parking Phase 2 debt service FY96-FY07.	Town Centre II	5,642,564	0	0	0	0	0	0	0
10	LMIHF Loan to BF/TCI for SERAF			Low & Moderate Income Housing Fund	Loan to BF/TCI for SERAF due FY10 & FY11.	Bayfront/Town Centre I	1,382,014	0	0	0	0	0	0	0
11	LMIHF Loan to TCII for SERAF			Low & Moderate Income Housing Fund	Loan to TCII for SERAF due FY10 & FY11.	Town Centre II	475,974	475,974	0	0	0	237,987	0	237,987
12	LMIHF Loan to Otay Valley for SERAF			Low & Moderate Income Housing Fund	Loan to Otay Valley for SERAF due FY10 & FY11.	Otay Valley	719,757	719,757	0	0	0	359,879	0	359,879
13	LMIHF Loan to Southwest for SERAF			Low & Moderate Income Housing Fund	Loan to Southwest for SERAF due FY10 & FY11.	Southwest	1,076,417	237,450	0	0	0	237,450	0	237,450
14	LMIHF Loan to Merged Added Areas for SERAF			Low & Moderate Income Housing Fund	Loan to Merged Added Areas for SERAF due FY10 & FY11.	Merged Added Areas	637,110	637,110	0	0	0	318,555	0	318,555
15	Trustee Admin Fees for COP	5/20/2003	9/1/2013	US Bank	Trustee administrative fees for 2003 Refunding COP	Town Centre II	4,500	4,500	0	0	0	4,500	0	4,500
16	Trustee Admin Fees for 06 TABs	7/18/2006	3/1/2016	US Bank	Trustee administrative fees for 2006 tax allocation bonds	Bayfront/Town Centre I	51,000	3,400	0	0	0	3,400	0	3,400
17	Trustee Admin Fees for 08 TABs	7/11/2008	9/1/2036	US Bank	Trustee administrative fees for 2008 tax allocation bonds	Merged Project Areas	28,800	1,200	0	0	0	1,200	0	1,200
18	Disclosure Reporting for 06 TABs	7/18/2006	3/1/2016	NBS	Continuing Disclosure Reporting Services for 2006 tax allocation bonds.	Bayfront/Town Centre I	36,000	2,400	0	0	0	2,400	0	2,400
19	Disclosure Reporting for 08 TABs	7/11/2008	9/1/2036	NBS	Continuing Disclosure Reporting Services for 2008 tax allocation bonds.	Merged Project Areas	28,800	1,200	0	0	0	1,200	0	1,200
20	Arbitrage Reporting for 06 TABs	7/18/2006	3/1/2016	BondLogistix	Arbitrage Rebate Reporting for 2006 tax allocation bonds.	Bayfront/Town Centre I	7,500	0	0	0	0	0	0	0
21	Arbitrage Reporting for 08 TABs	7/11/2008	9/1/2036	BondLogistix	Arbitrage Rebate Reporting for 2008 tax allocation bonds.	Merged Project Areas	6,000	1,250	0	0	0	1,250	0	1,250
22	Property Tax Audits	3/1/2008		MuniServices	Property Tax Revenue Audits	All Project Areas	8,000	4,000	0	0	0	4,000	0	4,000
23	Debt Service Underfunding of Low Moderate Income Housing Fund	6/30/2007		Low & Moderate Income Housing Fund	Reimbursement for overfunding debt service payments for the 1994 TABs.	Bayfront/Town Centre I	237,450	0	0	0	0	0	0	0
24	BF Goodrich Relocation Agreement	7/13/1999		Goodrich Aerostructures	Assistance with relocation of BF Goodrich facilities.	Bayfront	18,824	18,824	0	0	0	18,824	0	18,824
25	BF Goodrich Cooperation Agreement	4/20/2010	6/30/2028	Goodrich Aerostructures	Assistance with environmental remediation activities, air quality mitigation, & qualifying investments.	Bayfront	4,805,796	300,000	0	0	0	300,000	0	300,000
26	P44522 Bayfront Master Plan	11/29/2010	6/30/2011	Opper & Varco LLP	Polanco Act Attorneys	Bayfront	216,000	36,000	0	0	0	18,000	0	18,000

Oversight Board Approval Date: _____

[illegible]

[illegible]

July 1, 2013 through December 31, 2013

[illegible]

OVERSIGHT BOARD RESOLUTION NO. 2013-__

RESOLUTION OF THE OVERSIGHT BOARD FOR THE
SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY FOR THE CITY OF CHULA VISTA APPROVING
THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE
FOR THE PERIOD OF JULY 1, 2013 TO DECEMBER 31, 2013
("ROPS 13-14A")

WHEREAS, the Oversight Board ("Oversight Board") for the Successor Agency ("Successor Agency") to the Redevelopment Agency for the City of Chula Vista has been established to take certain actions to wind down the affairs of the Redevelopment Agency of the City of Chula Vista in accordance with the Health and Safety Code; and

WHEREAS, Health and Safety Code section 34177(l)(1) mandates that every Successor Agency prepare a "Recognized Obligation Payment Schedule" ("ROPS") and submit it to the Oversight Board for their Approval; and

WHEREAS, the ROPS lists all of the obligations that are enforceable within the meaning Health and Safety Code section 34171(d) in 'forward looking' six-month time periods; and

WHEREAS, the ROPS, which is consistent with the requirements of Health and Safety Code section 34177(l), for the time period of January 1, 2013 to June 30, 2013 is attached to this Resolution as Exhibit A; and

WHEREAS, Health and Safety Code section 34177(m) requires that a ROPS for the July 1, 2013 to December 31, 2013 be adopted and approved by March 1, 2013; and

WHEREAS, the ROPS for the time period of July 1, 2013 to December 31, 2013 has also been submitted to the County Administrative Officer, County Auditor-Controller, and the Department of finance "at the same time" it was submitted to the Oversight Board for its consideration within the meaning of and as required by Health and Safety Code section 34177(l)(2)(B).

WHEREAS, the Successor Agency reserves its right to amend the ROPS as may be necessary to capture all the enforceable obligations the Successor Agency may have in the performance of its duties; and

WHEREAS, pursuant to the requirements of Health and Safety Code section 34177(l)(2)(B), the Successor Agency submits the attached ROPS for the time period of July 1, 2013 to December 31, 2013 for approval by the Oversight Board.

NOW, THEREFORE, THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE REDEVELOPEMENT AGENCY FOR THE CITY OF CHULA VISTA resolves follows:

Section 1. The foregoing Recitals are incorporated into this Resolution by this reference.

Section 2. Pursuant to Health and Safety Code sections 34177(l)(2)(b) and 34180(g), the Oversight Board hereby approves and establishes the Recognized Obligation Payment Schedule ("ROPS") for the time period of July 1, 2013 to December 31, 2013 attached hereto as Exhibit A and fully incorporated by this reference. The ROPS is that "Recognized Obligation Payment Schedule" referred to in Health and Safety Code section 34177, subdivisions (l)(1), (l)(2), and (m), and shall be interpreted and applied in all respects in accordance with such sections and the CRL, to the fullest extent permitted by law; however, the ROPS shall only be applicable to and binding on the Successor Agency to the extent that AB 26, as amended in AB 1484, is applicable to the Successor Agency.

Section 3. The Executive Director and the Finance Director of the Successor Agency (and their designees) are hereby authorized and directed to evaluate and execute necessary changes to the ROPS as may be appropriate and/or as required by AB X1 26 and/or AB 1484 whether pursuant to its terms, by court order, or as otherwise required by law for the continued payment on and performance of enforceable obligations.

Section 4. The Executive Director of the Successor Agency is further authorized and directed to cause to be posted the ROPS on the City of Chula Vista's website (currently serving as the Successor Agency's website) and to notify (and forward to) the County Auditor-Controller, Department of Finance and the State Controller's Office concerning this Resolution, ROPS, and its online publication as required by AB 26 and/or AB 1484.

Section 5. This Resolution shall take effect upon the date of adoption.

Section 6. The Oversight Board Secretary and/or Successor Agency Secretary shall certify to the adoption of this Resolution.

Presented by

Approved as to form by

Jim Sandoval
City Manager, as
Executive Director of the
Successor Agency

Glen R. Googins
City Attorney, as
General Counsel to the
Successor Agency